



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, March 10, 2016 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	April 14, 2016

MEMBERS PRESENT

Justin Healy, Professional Member, Chairman
Jason Giles, Professional Member, Vice Chairman
Lynnette Scott, Professional Member, Secretary
Andrew Staton, Professional Member (left meeting at 10:20 a.m.)
Michael Harrington, Sr., Professional Member
Joseph F. McCann, Public Member
Lynn Rogers, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Rain Marrow, Administrative Specialist II

MEMBERS ABSENT

Curtis Rogers, Public Member

ALSO PRESENT

Tom Burns, Education Committee Member

CALL TO ORDER

Mr. Healy called the meeting to order at 9:07 a.m.

REVIEW OF MINUTES

Mr. Staton made a motion, seconded by Ms. Scott to approve the minutes of the meeting held on January 14, 2016 as written. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Review and Signing of Hearing Officer Orders
There were no hearing officer orders for review.

NEW BUSINESS

Rules and Regulations Hearing – 9:00 a.m.

The minutes from the rule and regulation hearing will follow the regular Commission minutes below.

Proposed to Deny Hearings – 9:30 a.m. – Amanda Wallis and Cheryl Rowe

The minutes from the hearings will follow the regular Commission minutes below.

Education Committee Report

Mr. Burns stated that since the Commission did not meet in February that he has both February and March to report on. Mr. Burns stated that the Education Committee has been tasked to do a review of the Broker's Pre-licensing Course and the Committee decided that the two most eligible to help with this would be Mr. Virgil Bullis a new member to the Education Committee and Shirley Kalvinsky. Mr. Bullis was not able to make the March meeting but will be present at the April meeting. The Committee is hoping to get both Mr. Bullis and Ms. Kalvinsky to discuss at their May meeting.

At February's meeting the Committee was made aware of a new form that has been completed and in circulation through DAR. This is an addendum to the sales agreement through TRID.

Mr. Burns stated that they have finally reached a balance of the Committee members. Three members from each county so there is representation for all counties in DE.

At February's meeting there were 45 approved courses provides, 7 approved instructors with 1 denied, and 1 student request approved. The Committee spoke about the courses and the result of being as liberal as they can to be able to approve interactive classes. Mr. Burns thanked the Commission for allowing them the availability to allow these kinds of modules to be offered.

At March's meeting there were 8 approved course providers, 4 approved instructors with 3 contingent approvals and 1 approved to teach only Module 7, 4 student requests denied.

Mr. Burns stated that the Education Committee is looking into being able to put more content and courses under Module 6 in order to keep from putting good content under Module 7. With the Commission's approval the Committee would like to be able, since they review the outlines, to make the decisions about putting a course under Module 6.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Harrington made a motion, seconded by Mr. Staton, to approve to the education approvals submitted by the Education Committee for February and March. By unanimous vote, the motion carried.

Review and Discussion of Consent Order for Stephen Quinn

The Commission reviewed and discussed the consent agreement for Mr. Stephen Quinn. After discussion, Ms. Scott made a motion, seconded by Mr. McCann to reject the consent agreement. The Commission would like to see a form of suspension.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Harrington made a motion, seconded by Mr. McCann, to ratify the following applications for salespersons:

Llyn Balakhani, Coldwell Banker, Wilmington, DE
Temy Swinford, RE/MAX of Wilmington, Wilmington, DE
Thomas Stansell, Keller Williams, Wilmington, DE
Corey Harris, Harrison Properties, LTD, Wilmington, DE
Susan Patch, Patterson Schwartz Real Estate, Hockessin, DE
Ronetia Bacon, BHHS Fox & Roach, Newark, DE
Keith Spanarelli, BHHS Fox & Roach, Bear, DE

Kathleen Sargeant, Patterson Schwartz & Associates, Hockessin, DE
Paul Sicari, Keller Williams Realty, Lewes, DE
Nikita Nation, Keller Williams Realty Central DE, Dover, DE
Brenda Williams, Keller Williams Realty, Wilmington, DE
Thomas Hudson, Coldwell Banker Resort Realty, Seaford, DE
Steven Kelly, RE/MAX of Wilmington, Wilmington, DE
Carol Brasure, Patterson Schwartz, Rehoboth Beach, DE
Heidi Lutman, Burns & Ellis Realtors, Dover, DE
Erin Fortney, RE/MAX Horizons, Inc., Dover, DE
Mark Trani, Zommick McMahon Commercial Real Estate, Inc., West Chester, PA
John Hawryluk, RE/MAX Horizons, Dover, DE
Neelnayan Barua, Keller Williams Realty, Wilmington, DE
William Lurwick, Masten Realty, LLC, Milford, DE
Tyler Patterson, RE/MAX Horizons, Dover, DE
Ivory Hudson, Century 21 Premier Homes, Middletown, DE
Anthony Saienni, Pantano Real Estate, Inc., Wilmington, DE
Samuel Keeper, NRS Referral Services, Hockessin, DE
Dawn Gilmore, Artisan Realty, West Chester, PA
Anna Larson, Keller Williams Realty, Christiana, DE
Camille Davis, Keller Williams Realty, Newark, DE
Shantel Willey, 1st Choice Properties, LLC, Bethany Beach, DE
Norman LeClaire, RE/MAX Associates, Lewes, DE
Anthony Bordonaro, BHHS Gallo Realty, Lewes, DE
Karla Draper, Long & Foster Real Estate, Inc., Bethany Beach, DE
Tiffany Avendano, Riverstone Residential NE, LLC, McLean, VA
Daniel Richardson II, RE/MAX Associates, Newark, DE
Jamie Compton, DE Homes Real Estate, Townsend, DE
Stephen Allport, BHHS Fox & Roach, Greenville, DE
Robert McGriffin, Keller Williams Realty Central, Dover, DE
David Beaver, Century 21 Emerald, Wilmington, DE
Wanda Loughrey, BHHS Fox & Roach, Hockessin, DE
Shawn Whitman, Keller Williams Realty, Christiana, DE
Steven Sheft, Keller Williams Realty, Christiana, DE
Sandra Massari, RE/MAX Excellence/M&M Anzaldo, Inc., West Grove, PA
Dana Kreider, Keller Williams Realty Central, Dover, DE
Jason Duncan, BHHS Fox & Roach, Newark, DE
Jennifer Jones, Resort Quest, Bethany Beach, DE
Elizabeth Lucas, Vantage Resort Realty, Ocean City, MD
Peter Bosserman, Keller Williams Realty, Christiana, DE
Maria Beaton, Long & Foster Real Estate, Inc., Wilmington, DE
Robin Bucci, Long & Foster Real Estate, Inc., Ocean City, MD
Dan Wu, Long & Foster Real Estate, Inc., West Chester, PA
Williams Timmons, Condominium Realty, LTD, Ocean City, MD
Lauren Bates, Long & Foster Real Estate, Inc., Hockessin, DE
Brooke Davis, RE/MAX Associates, Lewes, DE
Erica Bader, Patterson Schwartz, Hockessin, DE
Mary Good, Long & Foster Real Estate, Inc., Elkton, MD
Solomon Chase, Century 21 Emerald, Wilmington, DE
Margaret Allen, Keller Williams Realty Central, Dover, DE
Edward, McCunney, BHHS Fox & Roach, Devon, PA
David Dykes, BHHS PenFed Realty, Ocean City, MD

Durrel James, Home Realty, Newark, DE
Holly Henderson-Smith, BHHS Fox & Roach, Wilmington, DE
Kelly Bowden, Long & Foster Real Estate, Inc., Bethany Beach, DE
Michael Medley, Keller Williams Realty, Christiana, DE
Ronald Haberstroh, RE/MAX 1st Choice, Middletown, DE
Maggie Lingo, Jack Lingo Realtor, Rehoboth Beach, DE
Theodore Godfrey, BHHS Fox & Roach, Wilmington, DE
Gregory Rairdan, Patterson Schwartz, Greenville, DE
Priscilla Anselm, Keller Williams Realty, Wilmington, DE
Stephanie Miller, Whitehall Realty, LLC, Wilmington, DE
Michael Scruggs, Coldwell Banker Rowley, Realtors, Newark, DE
Adam Mayer, RE/MAX Realty Group, Rehoboth Beach, DE
Jennifer Samero, Long & Foster Real Estate, Inc., Greenville, DE
Sherry Vari, Meyer & Meyer Realty, Wilmington, DE
Cheryl Skurla, Patterson Schwartz, Hockessin, DE
Brian Cannavo, Keller Williams Realty Central, Dover, DE
Amy Conlon, eXp Realty, Dover, DE
Crystal Murray, BHHS Fox & Roach, Newark, DE
Michael Walton, BHHS Fox & Roach, Hockessin, DE
James Jones, III, Weichert Realtors, Chadds Ford, PA
Ashley Toner, Coldwell Banker Preferred, Media, PA
Daniel Frampton, RE/MAX Associates, Wilmington, DE
Lauren Roman, RE/MAX Associates, Hockessin, DE
Margaret DiFrancesco, Referral Realty, Wilmington, DE
Ericka DiCastanado, BHHS Fox & Roach, Newark, DE
Jessica Barnhart, Coldwell Banker Vacations, Bethany Beach, DE
Sandra Reyes, Coldwell Banker Preferred, Wilmington, DE
Princess Graham, Riverstone Residential NE, LLC, McLean, VA
Travis Jones, ResortQuest, Bethany Beach, DE
James Smith, III, Patterson Schwartz, Greenville, DE
Stephen McNulty, Long & Foster Real Estate, Inc., Rehoboth Beach, DE
LaToya Carter, Keller Williams Realty, Christiana, DE

By unanimous vote, the motion carried.

Review of Salesperson Application

There were no applications to review.

Ratification of Broker and Associate Broker Applications

Mr. Harrington made a motion, seconded by Mr. McCann, to ratify the following applications for broker and associate broker:

Joanne Milton, Coldwell Banker Resort Realty, Milford, DE - Associate Broker
Sherri Bigelow, Carefree Real Estate, Lewes, DE - Associate Broker
Shannon Smith, ResortQuest Real Estate, Selbyville, DE - Associate Broker
Joseph Penzone, Penzone Realty, LLC, Blackwood, NJ - Broker
Rebecca Barton, BHHS Fox & Roach, Wilmington, DE - Associate Broker
Robert Wheatley, SVN Delaware, LLC d/b/a Alliance Real Estate Professionals, Seaford, DE – Associate Broker
Timothy Gulla, Equity Mid-Atlantic Real Estate, Fort Washington, PA - Broker
John Salerno, Meyer and Meyer Realty, Wilmington, DE - Associate Broker

Russell Griffin, RE/MAX Above & Beyond, Seaford, DE - Associate Broker
Maria Bennett, NextRE Inc., Dover, DE - Broker

Review of Broker and Associate Broker Applications

There was no application(s) to review.

Ratification of Applications for Reinstatement

Mr. Harrington made a motion, seconded by Mr. McCann, to ratify the following applications by reinstatement:

Chris Byrne, Century 21 Premier Homes, Middletown, DE
Susan Malone, Delmarva Resort Realty, Lewes, DE - Both Exams

By unanimous vote, the motion carried.

Review of Applications for Reinstatement

Mr. Harrington made a motion, seconded by Mr. McCann, to approve the following reinstatement applications upon successful passing of exam(s):

Keri Simpler, Home Team Realty, Seaford, DE - Needs Both Exams
Tabari Bryant, Long & Foster Real Estate, Inc., Bear, DE - Needs both Exams
Michelle Streicher, Striker Investments Realty, Clifton, NJ - State only exam

By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the following office applications.

Ms. Scott made a motion, seconded by Mr. Giles, to approve the new branch office application for Berkshire Hathaway Home Services Fox & Roach. By unanimous vote, the motion carried.

Ms. Scott made a motion, seconded by Mr. Giles, to approve the new office application for Baywood Homes, LLC. By unanimous vote, the motion carried.

Mr. Harrington made a motion, seconded by Mr. Giles to contingent approve the new branch office for Resort Quest Real Estate for proper signage and completion of the furnishing of the office. By unanimous vote, the motion carried.

Ms. Scott made a motion, seconded by Mr. Giles, to approve the new office application for Diamond State Realty Cooperative. By unanimous vote, the motion carried.

Mr. Harrington made a motion, seconded by Ms. Scott, to contingent approve the new office for Delmarva Referral, LLC for proper signage. By unanimous vote, the motion carried.

Mr. Giles made a motion, seconded by Mr. McCann to table the new office application for Real Estate Services Group. After discussion, Mr. Giles withdrew his first motion. Mr. Giles made a motion, seconded by Ms. Scott, to propose to deny the application for no signage, no back door, and no pictures of a furnished office. By unanimous vote, the motion carried.

Ratification of Applications for New Office

Mr. L. Rogers made a motion, seconded by Mr. Harrington, to ratify the following office applications:

Potter Realtors, Wilmington, DE - New Office
Realtyka, LLC, Wilmington, DE - New Office
DE Management Team dba Rentwell, Wilmington, DE - New Office
Jack Lingo, Inc., Rehoboth Beach, DE - Branch Office

By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-55-14 - Closed by Attorney General's Office
Complaint # 02-56-14 - Closed by Investigator
Complaint # 02-04-15 - Closed by Investigator
Complaint # 02-12-15 - Closed by Investigator
Complaint # 02-13-15 - Closed by Investigator
Complaint # 02-09-15 - Forwarded to the Attorney General's Office
Complaint # 02-14-15 - Forwarded to the Attorney General's Office
Complaint # 02-17-15 - Closed by Investigator
Complaint # 02-11-15 - Closed by Investigator
Complaint # 02-19-15 - Closed by Investigator
Complaint # 02-21-15 - Closed by Investigator
Complaint # 02-23-15 - Closed by Investigator

Title 6 Amendment – New Construction Disclosure Form

This discussion was tabled until next month's meeting.

Correspondence

Letter from Gregory Cook – Reinstatement and Exams

The Commission reviewed the letter that Mr. Cook submitted asking for a waiver. After discussion, Ms. Scott made a motion, seconded by Mr. Healy, to deny Mr. Cook's request for a waiver for taking both exams. By unanimous vote, the motion carried.

Letter from Keller Williams on behalf of Kimberly Capano

Mr. Healy made a motion, seconded by Mr. Harrington, to waive the 3 modules that Ms. Capano was not able to complete for the 2014-2016 renewal period due to the circumstances of her hardship submitted to the Commission. By unanimous vote, the motion carried.

Letter from John W. Haus, Jr. – Disclosures

Mr. McCann made a motion, seconded by Mr. Harrington to table this discussion until next month's meeting. By unanimous vote, the motion carried.

Letter from Mary Ann Malewski

Mr. Healy made a motion, seconded by Mr. Harrington, to waive the remaining modules that Ms. Malewski was not able to complete for the 2014-2016 renewal period due to the circumstances of her hardship submitted to the Commission. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. Kelly discussed with the Commission about the appeal that was made due to a rule to show cause hearing and the notice not being received by the licensee. Ms. Wagner explained to the Commission that she had to transcribe the discussion of Ms. Parker's recommendation to be submitted to the court. Ms. Wagner asked the Commission to try and keep on the discussion at hand and not to go off track too much, as all discussion has to be put in writing.

Ms. Scott asked Ms. Kelly, if a law was passed about a 3rd party negotiator having to be licensed and record it with the Attorney General's Office? Ms. Kelly will try to find out.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, April 14, 2016 at 9:00 a.m.

ADJOURNMENT

Ms. Scott made a motion, seconded by Mr. Harrington, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:56 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

HEARING MINUTES

HEARING – REAL ESTATE COMMISSION REVISION OF REAL ESTATE EDUCATION COMMITTEE GUIDELINES

The Delaware Real Estate Commission held a hearing on March 10, 2016 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Jason Giles, Andrew Staton, Michael Harrington, Lynn Rogers, Lynnette Scott, and Joseph McCann

PURPOSE: The Commission proposed a new Section 4.0 which provides that pre-licensing education, for both salespeople and brokers, and continuing education, may be accomplished through distance education. Section 4.0 establishes standards for distance education to ensure that applicants and licensees receive appropriate training.

PRESIDING: Justin Healy, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

TIME STARTED: 9:07 a.m.

The hearing was recorded taking verbatim testimony. Ms. Kelly confirmed with Ms. Wagner that no written public comment was received by the Commission office. The Commission members introduced themselves for the record. Ms. Kelly entered documents as Board Exhibit 1 News Journal notification and Board Exhibit 2 Delaware State News notification. Ms. Kelly summarized the proposed revisions. Ms. Kelly said the proposed changes were published in the Delaware Register of Regulations on February 1, 2016 and the comment period has been open since then. Ms. Kelly said the written comment period would remain open for an additional 15 days. The Board will deliberate on the proposed changes at its next regularly scheduled meeting on April 14, 2014. The hearing concluded at 9:09 a.m.

HEARING MINUTES

HEARING – PROPOSE TO DENY

The Delaware Real Estate Commission held a hearing on March 10, 2016 at 9:30 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Jason Giles, Andrew Staton, Michael Harrington, Lynn Rogers, Lynnette Scott, and Joseph McCann

PURPOSE: Propose to Deny

PRESIDING: Justin Healy, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

RESPONDENT: Amanda Wallis

WITNESS: Christine Arndt, Office Manager

TIME STARTED: 9:30 a.m.

The hearing was recorded taking verbatim testimony. Ms. Kelly confirmed with Ms. Wagner that Ms. Wallis was present for the hearing. Ms. Kelly asked the Commission members to introduce themselves. Ms. Kelly summarized the reason for the proposed to deny hearing. Ms. Kelly entered documents as Commission's exhibit 1, application and documents. Ms. Wallis gave his testimony before the Commission. The Commission asked Ms. Wallis questions about her conviction for theft. Mr. Healy discussed with the Commission that he was contacted by Ms. Leslie Kopp about Amanda Wallis. Ms. Kopp wanted to know how the hearing would go and that she unfortunately was not able to make the hearing. Ms. Kelly asked Mr. Healy if he could still be impartial and fair after having the conversation with Ms. Kopp. Mr. Healy agreed that he could. Ms. Wallis called her witness, Christine Arndt. Ms. Arndt read a favorable letter written by Ms. Leslie Kopp. The Commission went into deliberations at 9:46 a.m. Mr. Staton made a motion, seconded by Mr. Harrington, to grant a waiver and licensure as a salesperson. By unanimous vote, the motion carried. The hearing concluded at 9:49 a.m.

HEARING MINUTES

HEARING – PROPOSE TO DENY

The Delaware Real Estate Commission held a hearing on March 10, 2016 at 9:30 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Jason Giles, Andrew Staton, Michael Harrington, Lynn Rogers, Lynnette Scott, and Joseph McCann

PURPOSE: Propose to Deny

PRESIDING: Justin Healy, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

RESPONDENT: Cheryl Rowe

TIME STARTED: 9:51 a.m.

The hearing was recorded taking verbatim testimony. Ms. Kelly confirmed with Ms. Wagner that Ms. Rowe was present for the hearing. Ms. Kelly asked the Commission members to introduce themselves. Ms. Kelly summarized the reason for the proposed to deny hearing. Ms. Kelly entered documents as Commission's exhibit 1, application and documents. Ms. Rowe gave his testimony before the Commission. The Commission asked Ms. Rowe questions about her conviction of theft and other charges. The Commission went into deliberations at 10:01 a.m. Mr. Staton made a motion, seconded by Ms. Scott, to grant a waiver and licensure as a salesperson. By unanimous vote, the motion carried. The hearing concluded at 10:03 a.m.